

REMARKS**I. Status of the Application:**

Claims 1-51 are currently pending.

By this Amendment, claims 14 and 25-27 have been amended, and new claim 52 has been added. No new matter has been introduced by this Amendment. Entry of this amendment before examination on the merits is respectfully requested.

Upon entry of this Amendment, claims 1-52 would be pending.

II. Rejections Under 35 U.S.C. §103:

Claims 1-2, 4, 8-10, 13-15, 17, 19, 21, 24-29, 31-38 and 40-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek (US 2003/0032422) in view of Yoshii et al. (US 6,993,343). Claims 3, 16 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. and further in view of Batra et al. (US 2004/0151109, hereinafter Batra '109) as applied to claims 14 and 15, and further in view of Grilli et al. (US 2005/0193309). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al., and further in view of Batra '109 as applied to claim 1, and further in view of Batra et al. (US 2005/0078598, hereinafter Batra '598). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. further in view of Batra '109 and further in view of Batra '598 and further in view of Choi (US 2004/0219897). Claims 7, 12, 18 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et al. and further in view of Batra '109 as applied to claim 14, and further in view of Hochmair et al. (US 2005/0283207). Claims 11, 22 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynbeek in view of Yoshii et

al. and further in view of Batra '109 as applied to claim 14, and further in view of Kotzin (US 2004/0204076).

Claim 1 is directed to a method which involves providing a first wireless communications link and a second wireless communications link. The first wireless communications link for communicating payload data is a UWB transmission link, and the second wireless communications link is a different type of wireless communications link for communicating error control data for the UWB transmission link without communicating payload data.

The cited references, individually or in combination, do not render obvious the arrangement of claim 1 for at least the reasons set forth below.

The Applicants respectfully submit that one of ordinary skill in the art would not combine the cited references in the manner suggested by the Examiner because the alleged combination would *render the prior art unsatisfactory for its intended purpose* and/or *change the principle of operation of a reference*. See MPEP §2143.01. Specifically, in Wynbeck, the mobile terminal and the base station use the first link to communicate ALL data from the base station to the mobile terminal and the second link to communicate ALL data from the mobile terminal to the base station. In this way, the Wynbeck system provides a power saving scheme (e.g., saving battery) for wireless communications between a base station and a mobile terminal using asynchronous links that provide optimal power savings. As such, one of ordinary skill in the art would not be motivated to provide or to modify the Wynbeck system in order to provide a system where payload data would be transmitted through a first link while a second link would operate as a control channel for the first link and providing error control data for the first link. Such an arrangement would be *contrary* to the power saving scheme of Wynbeck. Further, the

alleged combination of Wynbeek and Yoshi would result in a system in which there would be no flow of payload data from the base station to the mobile terminal or additional links would need to be established for such data flow. As such, the alleged combination would render the Wynbeek unsatisfactory for its intended purpose and change the principle of operation of the reference.

Wynbeek and Yoshi as relied upon by the Examiner are also still silent as to any teaching for modifying Wynbeek to only communicate error control data without communicating any payload data to the mobile terminal on the other link. Specifically, the Examiner alleges that Yoshi teaches such a link because it “is silent about communicating payload data which for communicating error control data (Col. 5 line 66-Col. 6 line 20) there should be no payload data . . .”. In essence, the Examiner appears to allege that this aspect “without communicating payload data” is inherent in Yoshi. However, the Examiner has not provided any objective rationale or support that this claimed aspect necessary flows from simply communicating error control data. That is, the communication of error control data on a link does not make clear that no payload data is also communicated on that same link. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. See MPEP §2112.

In view of the foregoing, claims 1, 14, 25-27, 37 and 42-43 and their dependent claims are believed to be distinguishable over the cited references, individually or in combination.

The dependent claims 44-51 further recite that the error control data comprises indications whether fragmented portions of the transmitted payload data needs to be retransmitted or not. The Examiner in general alleges that Yoshi discloses such feature on col. 5

line 66 to col. 6, line 20. This portion of Yoshi simply discusses an ARQ system but is silent as to the error control data having indications whether “fragmented portions” of the transmitted payload data needs to be retransmitted or not. The Examiner does not address the “fragmented portions” aspect at all. Thus, claims 44-51 are further distinguishable over the cited references.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4153.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4153.

Respectfully submitted,
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